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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.          | CONFIRMATION NO.       |
|--|-------------|----------------------|------------------------------|------------------------|
| 10/766,849   | 01/30/2004  | Makoto Adachi        | 520.43453X00/NT1430US        | 4137                   |
| 20457 7590 02/05/2008<br>ANTONELLI, TERRY, STOUT & KRAUS, LLP<br>1300 NORTH SEVENTEENTH STREET<br>SUITE 1800<br>ARLINGTON, VA 22209-3873 |             |                      | EXAMINER<br>PHILIPPE, GIMS S |                        |
|  |             |                      | ART UNIT<br>2621             | PAPER NUMBER           |
|  |             |                      | MAIL DATE<br>02/05/2008      | DELIVERY MODE<br>PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|  |                                      |                                      |
|--|--------------------------------------|--------------------------------------|
| <div style="border: 1px solid black; width: 150px; height: 20px; margin: 0 auto;"></div><br><b>Office Action Summary</b> | <b>Application No.</b><br>10/766,849 | <b>Applicant(s)</b><br>ADACHI ET AL. |
|  | <b>Examiner</b><br>Gims S. Philippe  | <b>Art Unit</b><br>2621              |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 November 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 8-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 8-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
       Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
       Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

***Response to Amendment***

1. Applicant's amendment received on November 16, 2007 in which claim 1 was amended, and claims 8-10 were added has been fully considered and entered but the arguments are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 8, 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawasaki et al. (US Patent Application Publication no. 20030125854 A1) in view of Bague (US Patent no. 6,246,933).

Regarding claims 1 and 8-10, Kawasaki discloses the same terminal apparatus, comprising a position measuring means for measuring a present position of a car (See Kawasaki fig. 2, GPS 25, [0062, lines 6-8, 0064, lines 8-10]); an image pick-up means being able to pick up an image of a front or a rear of the car (See Kawasaki Fig. 2, items 11, 12, 13 and [0055, 0057]); a transmitting means for transmitting the image picked up by said image pick-up means, together with the position information, to an image

information server for managing a database of image information being indicative of condition of a road (See Kawasaki Fig. 2, transmitters 112a, 112b and [0005, 0068, lines 1-10, and 0079]); a receiver means for receiving a predetermined image from said image information server (See Kawasaki 0070-0071 ); and a display means for displaying said image received thereon, wherein: a place or a timing of picking up an image by said image pick-up means is controlled from said image information server (See. Fig. 3, items 61,60, 71 and 72 and [0080-0082]).

It is noted that Kawasaki is silent about an input device receiving information indicating importance of the image wherein if the information indicating importance of the image picked up by the image pickup means is received, the transmitter transmits notice information to the image information server.

However, Bague discloses a position measuring means including an input device receiving information indicating importance of the image wherein if the information indicating importance of the image picked up by the image pickup means is received, the transmitter transmits notice information to the image information server (See Bague col. 13, lines 12-32).

Therefore, it is considered obvious that one skilled in the art at the time of the invention would recognize the advantage of modifying Kawasaki's image pickup means by incorporating Bague's position measuring means including an input device receiving information indicating importance of the image wherein if the information indicating importance of the image picked up by the image pickup means is received, the transmitter transmits notice information to the image information server. The motivation

for performing such a modification in Kawasaki is to easily analyze the speed, position, direction, etc. of the automotive vehicle and the pictorial image of the road in order to look into the cause of the accident as taught by Bague (See Bague col. 15, lines 5-22).

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gims S. Philippe whose telephone number is (571) 272-7336. The examiner can normally be reached on M-F (10:30-7:00).


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dastouri Mehrdad can be reached on (571) 272-7418. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Gims S Philippe  
Primary Examiner  
Art Unit 2621

GSP

January 31, 2008